

**57-8a-309 Termination of a delinquent owner's rights -- Notice -- Informal hearing.**

- (1) As used in this section, "delinquent lot owner" means a lot owner who fails to pay an assessment when due.
- (2) A board may, if authorized in the declaration, bylaws, or rules and as provided in this section, terminate a delinquent lot owner's right:
  - (a) to receive a utility service for which the lot owner pays as a common expense; or
  - (b) of access to and use of recreational facilities.
- (3)
  - (a) Before terminating a utility service or right of access to and use of recreational facilities under Subsection (2), the manager or board shall give the delinquent lot owner notice in a manner provided in the declaration, bylaws, or association rules.
  - (b)
    - (i) A notice under Subsection (3)(a) shall state:
      - (A) that the association will terminate the lot owner's utility service or right of access to and use of recreational facilities, or both, if the association does not receive payment of the assessment within the time provided in the declaration, bylaws, or association rules, subject to Subsection (3)(b)(ii);
      - (B) the amount of the assessment due, including any interest or late payment fee; and
      - (C) the lot owner's right to request a hearing under Subsection (4).
    - (ii) The time provided under Subsection (3)(b)(i)(A) may not be less than 14 days.
    - (iii) A notice under Subsection (3)(a) may include the estimated cost to reinstate a utility service if service is terminated.
- (4)
  - (a) A delinquent lot owner may submit a written request to the board for an informal hearing to dispute the assessment.
  - (b) A request under Subsection (4)(a) shall be submitted within 14 days after the date the delinquent lot owner receives the notice under Subsection (3).
- (5) A board shall conduct an informal hearing requested under Subsection (4) in accordance with the standards provided in the declaration, bylaws, or association rules.
- (6) If a delinquent lot owner requests a hearing, the association may not terminate a utility service or right of access to and use of recreational facilities until after the board:
  - (a) conducts the hearing; and
  - (b) enters a final decision.
- (7) If an association terminates a utility service or a right of access to and use of recreational facilities, the association shall take immediate action to reinstate the service or right following the lot owner's payment of the assessment, including any interest and late payment fee.
- (8) An association may:
  - (a) assess a lot owner for the cost associated with reinstating a utility service that the association terminates as provided in this section; and
  - (b) demand that the estimated cost to reinstate the utility service be paid before the service is reinstated, if the estimated cost is included in a notice under Subsection (3).

Enacted by Chapter 355, 2011 General Session